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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 Scarlett Maddeleine, ) Case No. **CV 23-06282-JFW(BFMx)**  
12 Plaintiff, ) **SELF-REPRESENTATION ORDER**  
13 v. )  
14 MGM Resorts International, )  
15 Defendants. )  
16 \_\_\_\_\_ )

17 One or more of the parties to this action has elected to  
18 appear *pro se*. Persons appearing before this Court are not  
19 required to retain the services of a lawyer or obtain the  
20 advice of counsel. Individual litigants may represent  
21 themselves *pro se*, but corporations and associations must be  
22 represented by counsel. See *Church of the New Testament v.*  
23 *United States*, 783 F.2d 771, 773 (9th Cir. 1986)  
24 (unincorporated associations); *In re Highley*, 459 F.2d 554,  
25 555 (9th Cir. 1972) (corporations). In addition, non-  
26 attorney litigants may not represent other individual  
27 litigants or trusts for which they serve as trustee. See  
28 *Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir.

1 1997) (minor children); *C.E. Pope Equity Trust v. United*  
2 *States*, 818 F.2d 696, 697-98 (9th Cir. 1987) (trust); *McShane*  
3 *v. United States*, 366 F.2d 286, 288 (9th Cir. 1996) (other  
4 litigants). A partner may not represent his or her own  
5 interest in a partnership *pro se*, and a sole shareholder may  
6 not represent a corporation. See *In re Am. West Airlines*, 40  
7 F.3d 1058, 1059 (9th Cir. 1994) (per curiam) (partner);  
8 *United States v. High Country Broad. Co., Inc.*, 3 F.3d 1244,  
9 1245 (9th Cir. 1993) (per curiam) (shareholder).

10 Proceeding *pro se* has significant risks, and this Court  
11 wishes to make some of those risks known at the outset of  
12 this proceeding:

- 13 ● Generally speaking, non-attorney litigants are less  
14 likely to be victorious than those assisted by  
15 counsel.
- 16 ● The opposing party may have a lawyer, and that  
17 lawyer's duty is to achieve victory for his or her  
18 client. He or she will take every step legally  
19 permissible to that end.
- 20 ● The Court is a neutral adjudicator of the law. The  
21 role of the judge is to resolve disputes arising  
22 between the parties in accordance with the law. As  
23 such, the judge cannot assist you, cannot answer  
24 your legal questions, and cannot take sides in the  
25 dispute. Nor can any members of the judge's staff.
- 26 ● You will be proceeding alone in a complex area where  
27 experience and professional training are greatly  
28 desired.

1       Simply stated, when you elect to proceed *pro se*, you are  
2 on your own and become personally responsible for litigating  
3 your action in accordance with the rules. Practice in the  
4 federal courts is governed by the Federal Rules of Civil  
5 Procedure. You must become familiar with these rules. You  
6 will be held to the same standards as a lawyer as far as  
7 complying with the court procedures and the rules and  
8 regulations of the court system.

9       Because litigating an action in federal court often  
10 requires a great deal of time, preparation, knowledge, and  
11 skill, this Court highly recommends against proceeding  
12 without the assistance of counsel. Some attorneys will  
13 represent clients on a contingency fee basis, whereby the  
14 fees associated with representation are subtracted from a  
15 judgment in favor of the client.<sup>1</sup> However, should you wish to  
16 continue without counsel - fully understanding the risks -  
17 you are hereby ordered to carefully review the remainder of  
18 this Order, as it contains instructions for proceeding in  
19 this Court which must be followed.

20       This Order, while not comprehensive - and not a  
21 substitute for fully familiarizing yourself with the Federal  
22 Rules of Civil Procedure, the Federal Rules of Evidence, the  
23 Local Rules for the United States District Court for the  
24 Central District of California, the Orders of this Court,  
25 including the Court's Standing Order, Scheduling and Case

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27       <sup>1</sup> The Los Angeles County Bar Association Lawyer Referral  
28 and Information Service may be able to refer you to a lawyer  
who may or may not be willing to take your case on a  
contingency basis.

1 Management Order, and Civil Trial Order, as well as federal  
2 and state case law applicable to this action - is intended to  
3 bring certain aspects of law and motion practice to your  
4 attention at an early stage in the litigation to remedy  
5 problems commonly associated with *pro se* pleadings.<sup>2</sup>

6 **Communications with Chambers:** Pursuant to Local Rule 83-  
7 2.11, parties shall refrain from writing letters to the  
8 judge, making telephone calls to chambers, or otherwise  
9 communicating with a judge unless opposing counsel is  
10 present. You may contact the Courtroom Deputy, at (213) 894-  
11 5396 or shannon\_reilly@cacd.uscourts.gov, with appropriate  
12 inquiries. The Courtroom Deputy is not an attorney, and will  
13 not provide you with any legal advice. The Courtroom Deputy  
14 cannot waive any of the requirements of this, or any other,  
15 Order. Should you wish to bring any matter to the attention  
16 of the Court, you must do so in writing, and file it and  
17 serve it on the opposing party.

18 **Jurisdiction:** The Federal Rules of Civil Procedure  
19 require that "[a] pleading which sets forth a claim for  
20 relief ... shall contain (1) a short and plain statement of  
21 the grounds upon which the court's jurisdiction depends."  
22 Fed.R.Civ.P. 8(a). This District's Local Rules further  
23 provide that "[t]he statutory or other basis for the exercise  
24 of jurisdiction by this Court shall be plainly stated in ...

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27 <sup>2</sup> The Local Rules for the United States District Court  
28 for the Central District of California are available on the  
district court's website: [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)

1 any document invoking this Court's jurisdiction." Local Rule  
2 8-1.

3 **This is extremely important.** Unlike state courts,  
4 federal courts are not courts of general jurisdiction, and  
5 can only preside over matters authorized by the Constitution  
6 and Congress. *Bender v. Williamsport Area Sch. Dist.*, 475  
7 U.S. 534, 541, 106 S. Ct. 1326, 1331, 89 L. Ed. 2d 501  
8 (1986). In other words, the party filing the action must  
9 **prove** to the Court that jurisdiction over the action exists  
10 **before** the Court can reach the merits of the complaint. See  
11 *Smith v. McCullough*, 270 U.S. 456, 459, 46 S. Ct. 338, 339,  
12 70 L. Ed. 682 (1926) (A "plaintiff, suing in federal court,  
13 must show in his pleading, affirmatively and distinctly, the  
14 existence of whatever is essential to federal  
15 jurisdiction. . .").

16 Federal jurisdiction may be alleged either pursuant to 28  
17 U.S.C. section 1331 for actions "arising under the  
18 Constitution, laws, or treaties of the United States,"  
19 otherwise known as "federal question" jurisdiction, or 28  
20 U.S.C. section 1332 as an action "between citizens of  
21 different States," otherwise known as "diversity"  
22 jurisdiction.

23 To allege federal question jurisdiction, the complaint  
24 should identify which right(s) the plaintiff(s) claim have  
25 been violated, and which law, statute, or constitutional  
26 amendment provides that right. See *Keniston v. Roberts*, 717  
27 F.2d 1295, 1298 (9th Cir. 1983).

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1 Diversity jurisdiction has two requirements. First,  
2 diversity jurisdiction requires complete diversity of  
3 citizenship, that is, all plaintiffs must have a different  
4 citizenship from all defendants. See *Owen Equipment &*  
5 *Erection Co. v. Kroger*, 437 U.S. 365, 373, 98 S. Ct. 2396,  
6 2402, 57 L. Ed. 2d 274 (1978). Residence and citizenship are  
7 distinct concepts, with significantly different  
8 jurisdictional ramifications: “[i]n order to be a citizen of  
9 a State within the meaning of the diversity statute, a  
10 natural person must both be a citizen of the United States  
11 and be domiciled within the State.” *Newman-Green, Inc. v.*  
12 *Alfonzo-Larrain*, 490 U.S. 826, 828, 109 S. Ct. 2218, 2221,  
13 104 L. Ed. 2d 893 (1989). “A person’s domicile is her  
14 permanent home, where she resides with the intention to  
15 remain or to which she intends to return. A person residing  
16 in a given state is not necessarily domiciled there, and thus  
17 is not necessarily a citizen of that state.” *Kanter v.*  
18 *Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001)  
19 (citations omitted). Corporations are citizens of both their  
20 state of incorporation and the state in which they have their  
21 principal place of business. See 28 U.S.C. § 1332(c)(1); see  
22 also *New Alaska Dev. Corp. v. Guetschow*, 869 F.2d 1298, 1300-  
23 01 (9th Cir. 1989). Unincorporated associations are citizens  
24 of the states of each member. See *Fifty Associates v.*  
25 *Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1190 (9th Cir.  
26 1970). Second, when jurisdiction is based on diversity of  
27 citizenship, district courts do not have original  
28

1 jurisdiction unless a party alleges an amount in controversy  
2 exceeding \$75,000. See 28 U.S.C. § 1332(a).

3 Finally, you should understand that it is **insufficient**  
4 for a party to merely claim that jurisdiction exists.  
5 Sufficient **facts** must be alleged to allow the Court to assess  
6 whether it has jurisdiction over the action.

7 **Service:** Service is the formal delivery of a legal  
8 pleading. The Federal Rules of Civil Procedure have  
9 different requirements for service to be effective depending  
10 on the type of entity to be served: service on an individual  
11 within the United States is governed by Fed.R.Civ.P. 4(e),  
12 corporations and associations must be served in conformity  
13 with Fed.R.Civ.P. 4(h), the United States and its agencies  
14 must be served pursuant to Fed.R.Civ.P. 4(i), and state and  
15 local governmental units require service under  
16 Fed.R.Civ.P. 4(j).

17 Time limits for service of the complaint are set forth in  
18 Fed.R.Civ.P. 4(m). It is important to promptly and properly  
19 serve the opposing party, especially with the summons and  
20 complaint when initiating an action, because **failure to serve**  
21 **within the time limits specified by the Federal Rules will**  
22 **result in the dismissal of your action for lack of**  
23 **prosecution.** You **must** always inform the Court whenever you  
24 serve a filing on an opposing party; this is done by filing a  
25 proof of service. See Fed.R.Civ.P. 4(l).

26 **Discovery:** Discovery is the mechanism by which the  
27 parties to an action collect evidence relating to the case  
28 from one another. Certain information is expected to be

1 provided to the other side without a request. See  
2 Fed.R.Civ.P. 26(a). If the other side seeks to obtain  
3 discovery from you, you must cooperate and provide the  
4 information sought on "any matter, not privileged, that is  
5 relevant to the claim or defense of any party." Fed.R.Civ.P.  
6 26(b)(1). The principal forms of discovery envisioned by the  
7 Federal Rules are the production and inspection of documents,  
8 requests for admissions, depositions and interrogatories.  
9 Discovery disputes are resolved by, and should be brought to  
10 the attention of, the magistrate judge assigned to the  
11 action. Discovery should begin early in the litigation and  
12 may commence prior to the Scheduling Conference.

13 **Motions:** Motions are requests to this Court to make a  
14 specified ruling or order. The opposing party may file a  
15 motion to dismiss your action, pursuant to Fed.R.Civ.P. 12,  
16 or a motion for summary judgment pursuant to Fed.R.Civ.P. 56.  
17 If the opposing party files and serves a motion on you, you  
18 must oppose it if you disagree with the requested relief.  
19 **Failure to oppose an otherwise properly supported motion may**  
20 **result in the Court granting that motion.** See Local Rule  
21 7-12. **Depending on the motion, this may result in the**  
22 **dismissal of your case.**

23 To oppose a motion, you must present the Court with a  
24 statement explaining the basis of your opposition and the  
25 legal authority supporting your contentions. You must also  
26 file any evidence upon which you intend to base your  
27 opposition to a motion for summary judgment. Pursuant to  
28 Local Rule 7-9, your opposition is due not later than



1 twenty one (21) days before the date designated for the  
2 hearing of the motion. If you need additional time to oppose  
3 the motion, you must file and serve an ex parte application  
4 requesting an extension of time prior to the date on which  
5 your opposition is due, and must demonstrate that the  
6 additional time you seek is warranted and that the requested  
7 extension is not a crisis of your creation, thus precluding  
8 you from seeking ex parte relief. See *Mission Power Eng'g*  
9 *Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 492  
10 (C.D. Cal. 1995).

11 **Motion to Dismiss:** A Fed.R.Civ.P. 12(b)(6) motion to  
12 dismiss for failure to state a claim tests the legal  
13 sufficiency of the claims asserted in the complaint. A  
14 dismissal under Rule 12(b)(6) is proper only where there is  
15 either a "lack of a cognizable legal theory" or "the absence  
16 of sufficient facts alleged under a cognizable legal theory."  
17 *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th  
18 Cir. 1990). The Court must deny the motion unless it appears  
19 that the plaintiff can prove no set of facts that would  
20 entitle him to relief. See *Conley v. Gibson*, 355 U.S. 41,  
21 45-46, 78 S. Ct. 99, 102, 2 L. Ed. 2d 80 (1957). When  
22 evaluating a Rule 12(b)(6) motion, the Court must accept all  
23 material allegations in the complaint as true and construe  
24 them in the light most favorable to the non-moving party.  
25 See *Barron v. Reich*, 13 F.3d 1370, 1374 (9th Cir. 1994).  
26 However, the Court is not bound to assume the truth of legal  
27 conclusions merely because they are stated in the form of  
28 factual allegations. See *Western Mining Council v. Watt*, 643

1 F.2d 618, 624 (9th Cir. 1981). Dismissal is proper if a  
2 complaint is vague, conclusory, and fails to set forth any  
3 material facts in support of the allegations. See *North Star*  
4 *Int'l v. Arizona Corp. Comm'n*, 720 F.2d 578, 583  
5 (9th Cir. 1983).


6 **Motion for Summary Judgment:** Summary judgment may be  
7 granted when there are no material facts in dispute between  
8 the parties, making a trial unnecessary. To resist summary  
9 judgment under Fed.R.Civ.P. 56, you **must** submit affidavits or  
10 other documentary evidence, such as depositions and answers  
11 to interrogatories, which set forth specific facts showing  
12 there is a genuine issue for trial. See *Klinge v.*  
13 *Eikenberry*, 849 F.2d 409, 411-12 (9th Cir. 1988). Failure to  
14 do so may result in the entry of summary judgment against  
15 you. You should also note that Rule 56(e) requires that  
16 affidavits or declarations shall be made on personal  
17 knowledge, set forth facts that are admissible as evidence,  
18 and show affirmatively that the affiant is competent to  
19 testify to the matters stated therein. **Should you fail to**  
20 **contradict the moving party with counter-affidavits,**  
21 **declarations or other evidence, the moving party's evidence**  
22 **may be taken as the truth, and final judgment may be entered**  
23 **against you without a trial, thus ending your case.** See *Rand*  
24 *v. Rowland*, 154 F.3d 952, 960-61 (9th Cir. 1998).

25 To effectively address a summary judgment motion, you  
26 should be aware of, and familiar with, the following United  
27 States Supreme Court cases on summary judgment: *Celotex v.*  
28 *Catrett*, 477 U.S. 317, 106 S. Ct. 2548, 91 L. Ed. 2d 265

1 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S.  
2 Ct. 2505, 91 L. Ed. 2d 202 (1986); *Matsushita Elec. Indus.*  
3 *Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S. Ct. 1348, 89  
4 L. Ed. 2d 538 (1986).

5 IT IS SO ORDERED.

7 Dated: **August 9, 2023**

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10 JOHN F. WALTER  
11 UNITED STATES DISTRICT JUDGE  
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